

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHILIP E. DEBLASIO,

Plaintiff,

ANSWER

- against -

18 CV 8530 (JMF)

NYC HEALTH + HOSPITALS
CORPORATION, DR. RODRIGUE JOSEPH,
DR. FRANKLIN MEJIA, and PHYSICIAN'S
ASSISTANT BESSIE FLORES-CLEMENTE,

Defendants.

-----X

Defendants, NYC HEALTH + HOSPITALS CORPORATION, DR. RODRIGUE JOSEPH, DR. FRANKLIN MEJIA, and PHYSICIAN'S ASSISTANT BESSIE FLORES-CLEMENTE, by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, for their Answer to the Complaint, respectfully allege as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "I" of the Complaint, except admit that Plaintiff purports to proceed as set forth therein.

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II" of the Complaint, and affirmatively state that Plaintiff's contact information listed on the docket is Downstate Correctional Facility, 121 Red Schoolhouse Road, P.O. Box 445, Fishkill, NY 12524-0045.

3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "III" of the Complaint, except admit that Plaintiff purports to proceed as set forth therein.

4. Deny the allegations set forth in paragraph “IV” of the Complaint, except admit that NYC Health + Hospitals maintains an office located at 125 Worth Street, New York, New York, 10013.

5. Deny the allegations set forth in both the “Facts” and “Injuries” sections of paragraph “V” of the Complaint, except admit that Plaintiff purports to proceed as set forth therein.

6. Deny the allegations set forth in paragraph “VI” of the Complaint, except admit that Plaintiff purports to proceed as set forth therein.

7. Paragraph “VII” contains no factual allegations and does not require a response.

AS AND FOR A FIRST DEFENSE:

8. The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND DEFENSE:

9. Defendants have not violated any rights, privileges, or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof.

AS AND FOR A THIRD DEFENSE:

10. At all times relevant to the acts alleged in the Complaint, Defendants acted reasonably, properly, lawfully, and in good faith.

AS AND FOR A FOURTH DEFENSE:

11. The individually named defendants are immune from suit under the doctrine of qualified immunity.

AS AND FOR A FIFTH DEFENSE:

12. Plaintiff has failed to exhaust administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), with respect to some or all of his claims.

AS AND FOR A SIXTH DEFENSE

13. Plaintiff's claims are barred in whole or in part by the doctrines of collateral estoppel and/or res judicata.

WHEREFORE, Defendants request judgment dismissing the Complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
June 20, 2019

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By: /s/
Mark G. Toews
Assistant Corporation Counsel

cc. **BY FIRST CLASS MAIL**
Philip E. DeBlasio
Plaintiff *Pro Se*
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DIN No: 19-A-0070
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P.O. Box 445
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